

## **Mendocino Unified School District Board of Trustees**

The Mendocino Unified School District Board of Trustees (Board), an elected five-member school board has had a troubled previous year with numerous Brown Act violations and turmoil surrounding personnel decisions.

### **Method of Investigation**

The Grand Jury interviewed Board members, Mendocino Unified School District school administration staff and District area citizens. The Grand Jury attended a community town hall meeting in October 2000, two Board meetings in January of 2001, and three public forum meetings. The Grand Jury examined financial records, contracts, Board policy and procedure manuals, meeting agendas, minutes, and other documents.

### **Background Information**

The Board is responsible for a unified school district encompassing the Town of Mendocino and surrounding areas, including Comptche and Elk.

The Grand Jury received several complaints alleging that during 2000, the Board had violated the Brown Act relating to board meeting agendas, posting of notices, and reporting of meeting actions. The complaints also included charges that the Board had not followed proper hiring and management procedures.

The Brown Act states in part:

The public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the peoples business. It is the intent of the law that their actions be taken openly and their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies that serve them, the people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. (Govt. Code §54950)

At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda shall specify the time and location of the regular meeting and be posted in a location that is freely accessible to members of the public. (Govt. Code §54954.2)

All actions taken in closed session, when final must be reported publicly together with specifics on which members voted which way. Documents

embodying agreements reached in closed session must be released to the public, either immediately after the meeting if requested in advance, or by the end of the next business day. (Govt. Code §54954.3)

## **Findings**

**1. The current Board Bylaws reaffirm Brown Act provisions.**

**Response (Mendocino Unified School District):** We agree that aspects of the Board Bylaws uphold part of the Brown Act.

**2. With the assistance of district staff personnel, the Board violated the provisions of the Brown Act and their bylaws numerous times during the past year in each of the following examples.**

**Response (Mendocino Unified School District):** We deny that the Brown Act and board Bylaws were violated numerous times.

**a. Proper meeting notice requirements.**

**Response (Mendocino Unified School District):** On some occasions the detailed address of the meeting location was inadvertently omitted. There was no intent to exclude anyone.

**b. Public access to Board meetings.**

**Response (Mendocino Unified School District):** We deny that the public was ever denied access to any Board meeting.

**c. Failure to distribute or publish results of closed meetings.**

**Response (Mendocino Unified School District):** We deny that when required there was ever a failure to distribute or publish results of closed meetings.

**3. No adverse affects on the operation of the District schools have been identified relating to alleged improper hiring practices.**

**Response (Mendocino Unified School District):** We agree that there have been no adverse effects of the operation of the District schools since there have been no improper hiring practices.

**4. A memo dated August 31, 2000 to the Superintendent from the Board acting Chair, relieved the Superintendent of certain responsibilities without stating cause. These duties were reinstated verbally by the acting Chair on September 7, 2000 and in writing on September 15, 2000. The Grand Jury cannot find any reference in Board minutes prior to the issuance of the memo by the acting Board Chairman authorizing the memo. The acting Chair's actions are direct violations of Board Bylaw 9200.**

**Response (Mendocino Unified School District):** We disagree with this finding.

1) Copies of the memos referred are not attached and therefore, one cannot be certain which memos are referenced and 2) the meaning of the finding is not clear. We assume that the memo referred in the first sentence was a suggestion from a facilitator which was made in an attempt to resolve a dispute between the Board and the former Superintendent. The former Superintendent did not agree to the proposal and therefore, no action was taken of the proposal. According the Government Code 54957.(a) (3) (B) "If final approval rests with another party to the agreement, there was no agreement by all parties, the agreement itself was not finalized and thus was discarded. As the relief of duties never occurred, there was nothing for the Board president to reinstate. Subsequent to the meeting, the Board chairperson in casual conversation did explain to the Superintendent that nothing had changed. The Superintendent asked for such a statement in writing and the board chairperson gave it to him. As there had been no action taken by the Board there was not a violation of Board policy.

5. **Since the Grand Jury investigation began, the Board has conducted three public forums. These forums were intended to better acquaint the local community with Board operations, policies, and procedures, and to gain community comment and understanding.**

**Response (Mendocino Unified School District):** We agree with the finding.

### **Recommendations**

- A. **The Board and District staff participate in a Brown Act workshop using the latest version of the act as text. The Board provide Brown Act training for newly elected Board members and appropriate district staff. (Findings 1, 2, 3, 4)**

**Response (Mendocino Unified School District):** Board members have attended Brown Act workshops over the years and will continue to do so. Such a workshop is scheduled to be held on the Mendocino Coast in the fall of 2001.

- B. **All members of the board adhere to the Board Bylaws. (Findings 1, 2, 3, 4)**

**Response (Mendocino Unified School District):** Board members do adhere to Board Bylaws and will continue to do so.

### **Comment**

The Grand Jury recognizes and supports the Board for the initial steps they have taken to work more closely with the local community.

## **Response Required**

Mendocino Unified School District Board of Trustees